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PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant : Whitemiller et al.
Serial Number : 10/628,608
Filing Date : July 29, 2003
For : HAND TOOL FOR MEASURING
AND CUTTING
Group Art Unit : 3724
Examiner : Prone, Jason D.

ELECTION

Certificate of Mailing

The Honorable Commissioner of Patents and Trademarks
Washington, D.C. 20231

Sir:

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Harold A. Burdick

Name of Applicant, Assignee
or Registered Representative

Signature

7-27-05

Date



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E L E C T I O N

Responsive to the Office Action of June 29, 2005, requiring restriction to one of two Examiner identified species for purposes continuing the Examination of the above-identified patent application, Applicant herein elects Examiner identified species A (FIGURES 1 through 7), which election is made without traverse of the requirement.

Contrary to the Examiners assertion in the Office Action, all claims (1 through 20) in this Application are generic. In this case, the Examiner has distinguished the two embodiments shown in the drawings, the primary difference between the two being their respective cam actuating mechanisms (unitary cam body 215 in FIGURE 8 versus cam grouping 133 including a torsion spring 153 in FIGURES 3 through 7 - see page 16, top of the page). A

careful review of the claims by the undersigned indicates that all of the claims are generic, claims directed in any way to cam structure being in every case readable on both embodiments (see claims 6, 8 through 10, and 17).

Regarding the details of the Examiner's requirement, FIGURES 1 and 2 could equally describe and show either embodiment, and FIGURES 9A through 9D, while showing the embodiment of FIGURE 3, are provided for purposes of describing operation and use of the tool and are applicable in that regard to either embodiment (as pointed out in the description at page 16, first full paragraph).

An early action on the merits of this application is respectfully solicited.

Respectfully Submitted,



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